REMARKS

In response to the final rejection, it seems to be conceded that nothing in Clough teaches anything about providing a graphical user interface prior to operating system boot. To attempt to overcome this problem, the Examiner states that Clough may be configurable with industry standard, commercially available operating systems. Even if we were to accept this, the Examiner should note that the vintage of Clough is 1988. Namely, the application is based on a series of continuing application whose original filing date is 1988. For the Examiner to make some decision about what standard operating systems do and do not do, the Examiner would have to show what was standard in 1988. Unsupported assertions do not suffice to make out a *prima facie* rejection.

Moreover, even if the Examiner were to show that in 1988 Clough could have hit the delete key or a specific function key during power up to go to an interactive or set up screen, this still leaves Clough without any graphical user interface that would accept a password. That is, there has been no showing that any such set up screen existed in 1988 accepted a password or, after receiving the password, compared that password to stored information, in particular, using a graphics controller.
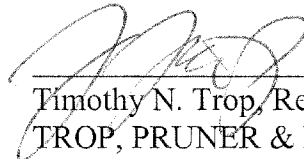
Moreover, even if Clough had some structure that would enable him to do so, there is no teaching within the reference of actually doing what is claimed. At all times relied upon in the office action, Clough was already booted. Thus, even if Clough had the capability to do something that he does not actually teach, this would not be pertinent for patentability purposes. That is, the required inquiry is not what Clough might have been able to do with the benefit of hindsight reasoning, but what he actually teaches. He does not teach anything about providing a graphical user interface prior to boot up and, particularly, providing such a graphical user interface to receive a password.

Moreover, the comments ignore the point that even if there were some graphical user interface in Clough or the Safeguard Easy Product, there is no reason to presume that the graphics controller had any involvement whatsoever with the comparison step or, especially in the case of Clough, that there even was a graphics controller in such a device. Certainly, none is shown.

As a result, the rejection is faced with significant, if not impossible, hurtles and should be reconsidered.

Respectfully submitted,

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